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Chairman

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Commissioner

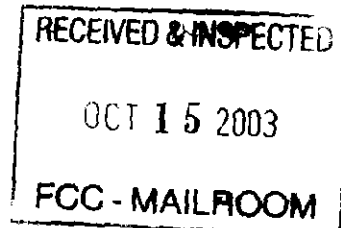
Paul Hudson
Commissioner

W. Lane Lanford
Executive Director



Public Utility Commission of Texas

Marlene H. Dortch - Secretary
Federal Communications Commission
445 Twelfth Street, S.W. - TWA 325
Washington, D.C. 20554



Irene Flannery - Vice-President of High Cost and Low Income Divisions
Universal Service Administrative Company
2120 L. Street, NW - Suite 600
Washington, D.C. 20037

**RE: Federal-State Joint Board on Universal Service, CC Docket No. 96-45 - TX PUC
Project No. 25787 - FCC Letters Regarding ETC Designation Pursuant to FTA '96
§214(e) (2)**

**ETC Designation Granted for NTS Communications, Inc., AMA Techtel
Communications, and TVS Communications, Inc.**

October 7, 2003


Pursuant to Section 214(e) (2) of the Communications Act of 1934, as amended (the "Act") and 47 C.F.R. sections 54.201 – 54.203, the Texas Public Utility Commission (TPUC) has granted the eligible telecommunications carrier (ETC) designation to three competitive carriers, as listed in the table below:

Competitive Carrier	P.U.C. Docket No.	Territories/Exchanges
NTS Communications, Inc.	Docket No. 28381	All Southwestern Bell Telephone Co. dba SBC Texas exchanges
AMA Techtel Communications	Docket No. 28401	Booker, Claude, Darrouzett, Follett, Groom, Panhandle, and White Deer, Texas exchanges
TVS Communications, Inc.	Docket No. 28404	All United telephone Co. of Texas dba Sprint, Southwestern Bell Telephone Co. dba SBC Texas, and Verizon Texas exchanges

Attached are the TPUC *Orders* for each of the dockets above issued on October 6, 2003, which granted the ETC designations.

If you require any additional information please call Janis Ervin at (512)-936-7372.

Sincerely,



Janis Ervin - Senior Policy Specialist
Telecommunications Division - Texas Public Utility Commission

54127

DOCKET NO. 28381

APPLICATION OF NTS
COMMUNICATIONS, INC. (NTS) FOR
ELIGIBLE TELECOMMUNICATIONS
CARRIER (ETC) PURSUANT TO P.U.C.
SUBSTANTIVE RULE 26.418 AND
ELIGIBLE TELECOMMUNICATIONS
PROVIDER (ETP) PURSUANT TO P.U.C.
SUBSTANTIVE RULE 26.417

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PUBLIC UTILITY COMMISSION
OF TEXAS

RECEIVED & INSPECTED

OCT 15 2003

FCC - MAILROOM

ORDER NO. 3
NOTICE OF APPROVAL FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC) AND
ELIGIBLE TELECOMMUNICATIONS PROVIDER (ETP)

Procedural History

On August 20, 2003, NTS Communications, Inc. (NTS or the Company) filed a combined application for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e) and P.U.C. SUBST. R. 26.418, as well as designation as an eligible telecommunications provider (ETP) pursuant to P.U.C. SUBST. R. 26.417. ETC and ETP designation is required before a carrier can receive Federal Universal Service Fund (FUSF) and Texas High Cost Universal Service Plan (THCUSP) support. NTS requested its application be consolidated for simultaneous approval of the designations, requiring a waiver of P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(II). NTS holds Service Provider Certificate of Operating Authority (SPCOA) No. 60044 granted in Docket No. 20212 on February 8, 1999. On August 25, 2003, NTS filed an amendment to its application correcting its original request for multiple incumbent local exchange carrier (ILEC) territories' support and stating that it seeks support for all of the exchanges in the Southwestern Bell Telephone Company d/b/a SBC (SBC) territory.

The Commission issued Order No. 1 in this proceeding which established a procedural schedule, including deadlines for comment, motions to intervene, and published notice in the *Texas Register*. Notice was published in the *Texas Register* on September 5, 2003. The Applicant provided a copy of the application to the Office of Public Utility Counsel at the time of filing. Pursuant to P.U.C. SUBST. R. 26.417(f)(2)(A)(i) and 26.418(g)(2)(A)(i), the effective date shall be no earlier than 30 days after the filing date of the application or 30 days after notice is completed, whichever is later. Therefore, the earliest effective date for this proceeding is October 6, 2003. Order No. 2, filed September 4, 2003, granted NTS's request for a waiver of P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(II), thereby allowing simultaneous administrative review for both the ETC and ETP applications.

Designation as Eligible Telecommunications Carrier

To qualify for ETC status, a carrier must meet four conditions:¹

1. The carrier must be a common carrier, as that term is defined by the Federal Telecommunications Act of 1996 (FTA '96), Section 3(10).
2. The carrier must offer the following services (requisite services),² using its own facilities or a combination of its own facilities and the resale of another carrier's services:³
 - (a) voice grade access to the public switched network;
 - (b) local usage;
 - (c) dual tone multi frequency signaling or its functional equivalent;
 - (d) single party service or its functional equivalent;
 - (e) access to emergency services, including such services as 911 or enhanced 911;

¹ 47 C.F.R. § 54.201(b)-(d) (2001)

² 47 C.F.R. § 54.101 (2001)

³ 47 C.F.R. § 54.201 (2001)

- (f) access to operator services;
 - (g) access to interexchange service;
 - (h) access to directory assistance; and
 - (i) toll limitation for qualifying low income customers.⁴
3. The carrier must advertise the availability of and charges for the requisite services in a media of general distribution.⁵
4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.⁶

NTS meets all of the above criteria. NTS will advertise the designated services and their rates through notices using media of general distribution and through annual bill inserts as well as through its terms and conditions of services distributed to all new customers. NTS provides the required services through a combination of its own facilities and resale of services. NTS has made a commitment to offer Lifeline and Link Up support and has provided a tariff and self-certification form for Applicants with its application which it will adopt upon designation.

NTS has not requested any waivers of the Federal Communications Commission (FCC) requirements. NTS does not offer toll control but on December 30, 1997, the FCC clarified its Order regarding "toll limitation" to require a carrier to offer only one form, either toll blocking or toll limitation, for designation as an ETC. On August 13, 1998, the Commission, in Docket No. 18100, *General Counsel's Petition for Designation of Eligible Telecommunications Carriers Under 47 U.S.C. Section 214(e)*, recognized this clarification in Order No. 6, *Finding Applicants In Compliance With Requirement To Provide Toll Limitation Service, And Relieving Them Of Obligation To Obtain Waiver*.

⁴ Pursuant to FTA § 54.400(d), the FCC defines "toll limitation" as either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both service

⁵ *Id*

⁶ 47 C.F.R. § 54.405 (2001)

SWBT serves the exchanges for which NTS requests USF support. FTA § 54.201(c) states

Upon request and consistent with the public interest, convenience, and necessity, the state commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission, so long as each additional requesting carrier meets the requirements of paragraph (D) of this section.

SBC is not a rural carrier. Staff recommended that NTS be *granted ETC designation*.

Designation as Eligible Telecommunications Provider

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(I) requires carriers applying for ETP status to meet the definition of a local exchange carrier as defined in P.U.C. SUBST. R. 26.5. NTS meets this definition.

P U.C. SUBST. R. 26.417(f)(1)(B)(i)(II) requires carriers applying for ETP status to show that they have been granted ETC status for federal universal service support pursuant to U.S.C. § 214(e) ETC and ETP designations are being handled concurrently in this consolidated docket.

P U.C. SUBST. R. 26 417(f)(1)(B)(i)(III) requires carriers to specify the small or rural ILEC service area in which they propose to be an ETP. NTS does not seek designation in a small or rural service area.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires Applicants for ETP status show they offer the designated services defined in P.U.C. SUBST. R. 26.403 throughout the THCUSP or small and rural ILEC service area for which the carriers seek ETP status. The designated services for ETP status are:⁷

1. flat rate, single party residential and business local exchange telephone service, including primary directory listings;
2. tone dialing service;
3. access to operator services;
4. access to directory assistance services;
5. access to 911 service when provided by local authority;
6. telecommunications relay service;
7. ability to report service problems seven days a week;
8. availability of annual local directory;
9. access to toll services; and
10. lifeline and link up services.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) also requires Applicants to assume the obligation to provide the services required under P.U.C. SUBST. R. 26.403 to any customer. NTS stated that it meets and assumes the responsibility to offer the basic services defined in P.U.C. SUBST. R. 26.403 to all customers in its exchanges.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(IV) requires that Applicants show they offer the designated services through a means other than total service resale. NTS offers services through the use of its own facilities and leased unbundled network elements (UNEs) and therefore meets this requirement.

⁷ P.U.C. SUBST. R. 26.403(d)(1) Texas High Cost Universal Service Plan (THCUSP)

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(V)-(VI) requires Applicants show that they have offered continuous service that meets the quality of service standards in P.U.C. SUBST. R. 26.52-§ 26.54, and that they offer Lifeline and Link Up services in compliance with P.U.C. SUBST. R. 26.412. NTS provided a commitment to meet all quality of service standards in its Service Quality Questionnaire at the time it received its SPCOA and it affirms it meets benchmark standards. NTS has committed to file an amendment to its tariff to adopt Lifeline and Link Up services tariff, consistent with P.U.C. SUBST. R. 26.412, filed with its application, immediately upon approval of its designations in this proceeding.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(VII) requires Applicants to advertise the availability of, and charges for, the designated services using media of general distribution. NTS stated it will meet this requirement by providing such notice.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(VIII) and P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(IX) are requirements regarding the notice of the application. NTS's request for *Texas Register* notice was approved and published and meets these standards. -

P.U.C. SUBST. R. 26.417(f)(2)(A)(i) requires an effective date 30 days after the completion of notice. This issue was addressed in Order No. 1 and the earliest effective date available has been established as October 6, 2003.

NTS has also committed to offering the required designated services at a rate not to exceed 150% of the ILEC's tariffed rate in the same designated areas pursuant to the requirements of P.U.C. SUBST. R. 26.417(c)(1)(B).


Staff recommended that NTS be granted ETP designation.

Ordering Paragraph

In accordance with Staff's recommendation and for all the reasons stated therein, pursuant to the FTA § 214(e)(2) and P.U.C. SUBST. R. 26.418, NTS' application for ETC designation is **APPROVED**, as amended, effective October 6, 2003; pursuant to P.U.C. SUBST. R. 26.417, NTS' application for ETP designation is **APPROVED**, as amended, effective October 6, 2003. NTS is granted ETC and ETP status in all exchanges in the SBC territory.

SIGNED AT AUSTIN, TEXAS ON THIS the 6th day of October 2003.

PUBLIC UTILITY COMMISSION OF TEXAS



MICHAEL E. FIELD
DIRECTOR, DOCKET MANAGEMENT
POLICY DEVELOPMENT DIVISION

5/11/03

DOCKET NO. 28401

**APPLICATION OF AMA TECHTEL
COMMUNICATIONS FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
(ETC) PURSUANT TO P.U.C.
SUBSTANTIVE RULE 26.418 AND
ELIGIBLE TELECOMMUNICATIONS
PROVIDER (ETP) PURSUANT TO P.U.C.
SUBSTANTIVE RULE 26.417**

**PUBLIC UTILITY COMMISSION
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**ORDER NO. 3
NOTICE OF APPROVAL FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC) AND
ELIGIBLE TELECOMMUNICATIONS PROVIDER (ETP)**

Procedural History

On August 21, 2003, AMA TechTel Communications (AMA TechTel or the Company) filed an application for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e), and P.U.C. SUBST. R. 26.418, assigned Docket No. 28398, and an application for designation as an eligible telecommunications provider (ETP), assigned Docket No. 28401, pursuant to P.U.C. SUBST. R. 26.417. On September 5, 2003, the proceedings were consolidated into Docket No. 28401 to allow for consolidated orders and final recommendation. Docket No. 28398 was subsequently closed. Pursuant to 47 U.S.C. § 214(e), the Commission, either upon its own motion or upon request, shall designate qualifying common carriers as ETCs for service areas set forth by the Commission. AMA TechTel is requesting ETP/ETC designation in order to be eligible to receive federal and state universal service funding to assist it in providing universal services in Texas.

AMA TechTel seeks ETC/ETP designation in the Booker, Claude, Darrouzett, Follett, Groom, Panhandle and White Deer exchanges served by Valor Telecommunications of Texas, LP (Valor).

The Commission issued Order No. 1 in this proceeding which established a procedural schedule, including deadlines for comment, motions to intervene, and published notice in the *Texas Register*. Notice was published in the *Texas Register* on September 5, 2003. The Applicant provided a copy of the application to the Office of Public Utility Counsel at the time of filing. Pursuant to P.U.C. SUBST. R. 26.417(f)(2)(A)(i) and 26.418(g)(2)(A)(i), the effective date shall be no earlier than 30 days after the filing date of the application or 30 days after notice is completed, whichever is later. Therefore, the earliest effective date for this proceeding is October 6, 2003.

No objection, comment, or motions to intervene were filed, and no hearing was requested. P.U.C. SUBST. R. 26.417(f)(2)(A) and 26.418(g)(2)(A) provide that applications for ETC/ETP designation may be reviewed administratively.

On September 29, 2003, Commission Staff (Staff) filed a recommendation for approval of ETC and ETP status for AMA TechTel based on the following:

Designation as Eligible Telecommunications Carrier

To qualify for ETC status, a carrier must meet four conditions:¹

1. The carrier must be a common carrier, as that term is defined by the Federal Telecommunications Act of 1996 (FTA '96), Section 3(10).

¹ 47 C.F.R. § 54.201(b)-(d) (2001)

2. The carrier must offer the following services (requisite services),² using its own facilities or a combination of its own facilities and the resale of another carrier's services:³
 - (a) voice grade access to the public switched network;
 - (b) local usage;
 - (c) dual tone multi frequency signaling or its functional equivalent;
 - (d) single party service or its functional equivalent;
 - (e) access to emergency services, including such services as 911 or enhanced 911;
 - (f) access to operator services;
 - (g) access to interexchange service;
 - (h) access to directory assistance; and
 - (i) toll limitation for qualifying low income customers.⁴
3. The carrier must advertise the availability of and charges for the requisite services in a media of general distribution.⁵
4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.⁶

AMA TechTel meets all of the above criteria. AMA TechTel will advertise the designated services and their rates through notices using media of general distribution and through annual bill inserts as well as through its terms and conditions of services distributed to all new customers. AMA TechTel provides the required services through a combination of its own facilities and resale of services. AMA TechTel has made a commitment to offer Lifeline and Link Up support and has provided a tariff and self-certification form for applicants with its application which it will adopt upon designation.

² 47 C F R § 54.101 (2001)

³ 47 C F R § 54.201 (2001)

⁴ Pursuant to FTA § 54.400(d), the FCC defines "toll limitation" as either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both service

⁵ *Id*

AMA TechTel has not requested any waivers of the Federal Communications Commission (FCC) requirements. AMA TechTel does not offer toll control but on December 30, 1997, the FCC clarified its Order regarding "toll limitation" to require a carrier to offer only one form, either toll blocking or toll limitation, for designation as an ETC. On August 13, 1998, the Commission, in Docket No. 18100, *General Counsel's Petition for Designation of Eligible Telecommunications Carriers Under 47 U.S.C. Section 214(e)*, recognized this clarification in Order No. 6, *Finding Applicants In Compliance With Requirement To Provide Toll Limitation Service, And Relieving Them Of Obligation To Obtain Waiver*.

Valor serves the exchange for which AMA TechTel requests USF support. FTA § 54.201(c) states:

Upon request and consistent with the public interest, convenience, and necessity, the state commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission, so long as each additional requesting carrier meets the requirements of paragraph (D) of this section.

Valor has self-certified itself with the FCC as a "rural" carrier. Staff's analysis of the application concludes that AMA TechTel does meet the requirements established by the FCC for designation as an ETC. Staff recommended that AMA TechTel be granted ETC designation.

⁶ 47 C.F.R. § 54.405 (2001)

Designation as Eligible Telecommunications Provider

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(I) requires carriers applying for ETP status to meet the definition of a local exchange company (LEC) as defined in P.U.C. SUBST. R. 26.5. AMA TechTel meets this definition.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(II) requires carriers applying for ETP status to show that they have been granted ETC status for federal universal service support pursuant to U.S.C. § 214(e). ETP and ETC designations are being handled concurrently in this consolidated docket.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III), requires carriers to specify the small or rural incumbent local exchange carrier (ILEC) service area in which they propose to be an ETP. AMA TechTel has met this requirement.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires Applicants for ETP status show they offer the designated services defined in P.U.C. SUBST. R. 26.403 throughout the THCUSP or small and rural ILEC service area for which the carriers seek ETP status. The designated services required for ETP status are:⁷

1. flat rate, single party residential and business local exchange telephone service, including primary directory listings;
2. tone dialing service;
3. access to operator services;
4. access to directory assistance services;
5. access to 911 service when provided by local authority;
6. telecommunications relay service;
7. ability to report service problems seven days a week;
8. availability of annual local directory;
9. access to toll services; and
10. lifeline and link up services.

⁷ P.U.C. SUBST. R. 26.403(d)(1) Texas High Cost Universal Service Plan (THCUSP)

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) also requires the applicant to assume the obligation to provide the services required under P.U.C. SUBST. R. 26.403 to any customer. AMA TechTel states that it meets and assumes the responsibility to offer the basic services defined in P.U.C. SUBST. R. 26.403 to all customers in its exchanges.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(IV) requires the applicant show they offer the designated service through a means other than total service resale. AMA TechTel offers services through the use of its own facilities and resale of services and has therefore met this requirement.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(V)-(VI) requires applicants show that they have offered continuous service that meet the quality of service standards in P.U.C. SUBST. R. 26.52-26.54, and that they offer Lifeline and Link Up services in compliance P.U.C. SUBST. R. 26.412. AMA TechTel provided a commitment to meet all quality of service standards in its Service Quality Questionnaire at the time it received its SPCOA, and it affirmed it meets benchmark standards. AMA TechTel has committed to file an amendment to its tariff to adopt the Lifeline and Link-Up services tariff, consistent with P.U.C. SUBST. R. 26.412, filed with its application, immediately upon approval of its designations in this proceeding.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(VII) requires applicants to advertise the availability of, and charges for, the designated services using media of general distribution. AMA TechTel will meet this requirement by providing such notice.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(VIII) and P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(IX), are requirements regarding the notice of the application. AMA TechTel's request for *Texas Register* notice was approved and published and meets these standards.

P.U.C. SUBST. R. 26.417(f)(2)(A)(i) requires an effective date 30 days after the completion of notice. This issue was addressed in Order No. 1 and the earliest effective date available has been established as October 6, 2003.

AMA TechTel has also committed to offering the required designated services at a rate not to exceed 150% of the ILEC's tariffed rate in the same designated areas pursuant to the requirements of P.U.C. SUBST. R. 26.417(c)(1)(B).

Staff recommended that AMA TechTel be granted ETP designation.

Ordering Paragraph

In accordance with Staff's recommendation and for all the reasons stated therein, pursuant to the FTA § 214(e)(2) and P.U.C. SUBST. R. 26.418, AMA TechTel's application for ETC designation is **APPROVED**, as amended, effective October 5, 2003; pursuant to P.U.C. SUBST. R. 26.417. In addition, AMA TechTel's application for ETP designation is **APPROVED**, as amended, effective October 5, 2003. AMA TechTel is granted ETC and ETP designation for the Booker, Claude, Darrouzett, Follett, Groom, Panhandle and White Deer exchanges served by Valor.

SIGNED AT AUSTIN, TEXAS ON THIS the 6th day of October 2003.

PUBLIC UTILITY COMMISSION OF TEXAS



MICHAEL E. FIELD
DIRECTOR, DOCKET MANAGEMENT
POLICY DEVELOPMENT DIVISION

5-AM 3

DOCKET NO. 28404

APPLICATION OF TVS
COMMUNICATIONS, INC. FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
(ETC) PURSUANT TO P.U.C.
SUBSTANTIVE RULE 26.418

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ORDER NO. 4
NOTICE OF APPROVAL FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC)

Procedural History

On August 21, 2003, TVS Communications (TVS or the Company) filed an application for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e) and P.U.C. SUBST. R. 26.418. Pursuant to 47 U.S.C. § 214(e), the Commission, either upon its own motion or upon request, shall designate qualifying common carriers as ETCs for service areas set forth by the Commission. TVS holds Service Provider Certificate of Operating Authority No. 60239 granted in Docket No. 22764 on September 5, 2000. TVS is requesting ETC designation in the exchanges served by United Telephone company of Texas, d/b/a Sprint, Southwestern Bell Telephone Company, d/b/a SBC (SBC) and Verizon Southwest TXC and TXG (Verizon).

The Commission issued Order No. 1 in this proceeding which established a procedural schedule, including deadlines for comment, motions to intervene, and published notice in the *Texas Register*. Notice was published in the *Texas Register* on September 5, 2003. The Applicant provided a copy of the application to the Office of Public Utility Counsel at the time of filing. Pursuant to P.U.C. SUBST. R. 26.417(f)(2)(A)(i) and 26.418(g)(2)(A)(i), the effective date shall be no earlier than 30 days after the filing date of the application or 30 days after notice is completed, whichever is later. Therefore, the earliest effective date for this proceeding is October 6, 2003.

No objection, comment, or motions to intervene were filed, and no hearing was requested. TVS also seeks an Eligible Telecommunications Provider designation in a separate application, Docket No. 28463, filed August 29, 2003. TVS's ETP application will be administratively processed separately from its ETC application.

On September 25, 2003, Commission Staff (Staff) filed a recommendation for approval of ETC status for TVS based on the following:

Designation as Eligible Telecommunications Carrier

To qualify for ETC status, a carrier must meet four conditions:¹

- 1 The carrier must be a common carrier, as that term is defined by the Federal Telecommunications Act of 1996 (FTA '96), Section 3(10).
- 2 The carrier must offer the following services (requisite services),² using its own facilities or a combination of its own facilities and the resale of another carrier's services:³
 - (a) voice grade access to the public switched network;
 - (b) local usage;
 - (c) dual tone multi frequency signaling or its functional equivalent;
 - (d) single party service or its functional equivalent;
 - (e) access to emergency services, including such services as 911 or enhanced 911;
 - (f) access to operator services;
 - (g) access to interexchange service;
 - (h) access to directory assistance; and
 - (i) toll limitation for qualifying low income customers.⁴

¹ 47 C F R § 54.201(b)-(d) (2001)

² 47 C F R § 54.101 (2001)

³ 47 C F R § 54.201 (2001)

⁴ Pursuant to FTA § 54.400(d), the FCC defines "toll limitation" as either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both service

3. The carrier must advertise the availability of and charges for the requisite services in a media of general distribution.⁵
4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.⁶

TVS meets all of the above criteria. TVS will advertise the designated services and their rates through notices using media of general distribution and through annual bill inserts. TVS provides the required services through a combination of its own facilities and resold services. TVS has made a commitment to offer Lifeline and Link Up support and has provided a tariff and self-certification form for applicants with its application which it will adopt upon designation.

TVS has not requested any waivers of the FCC requirements. TVS does not offer toll control but on December 30, 1997, the FCC clarified its Order regarding "toll limitation" to require a carrier to offer only one form, either toll blocking or toll limitation, for designation as an ETC. On August 13, 1998, the Commission, in Docket No. 18100, *General Counsel's Petition for Designation of Eligible Telecommunications Carriers Under 47 U.S.C Section 214(e)*, recognized this clarification in Order No. 6, *Finding Applicants in Compliance With Requirement To Provide Toll Limitation Service, And Relieving Them Of Obligation To Obtain Waiver*

⁵ *Id*

⁶ 47 C F R § 54.405 (2001)

SWBT and Verizon TXG and TXC serve the exchanges for which TVS requests USF support. FTA § 54.201(c) states:

Upon request and consistent with the public interest, convenience, and necessity, the state commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission, so long as each additional requesting carrier meets the requirements of paragraph (D) of this section.

SWBT and Verizon TXG and TXC are not rural carriers, and Staff's analysis of the application concludes that TVS does meet the requirements established by the FCC for designation as an ETC.


Staff recommended that TVS be granted ETC designation.

Ordering Paragraph

In accordance with Staff's recommendation and for all the reasons stated therein, pursuant to the FTA § 214(e)(2) and P.U.C. SUBST. R. 26.418, TVS' application for ETC designation is **APPROVED** effective October 6, 2003; pursuant to P.U.C. SUBST. R. 26.417. TVS is granted ETC status in the exchanges served by United Telephone Company of Texas, d/b/a Sprint, Southwestern Bell Telephone Company (SBC) and Verizon Southwest TXC and TXG (Verizon)

SIGNED AT AUSTIN, TEXAS ON THIS the 6th day of October 2003.

PUBLIC UTILITY COMMISSION OF TEXAS



MICHAEL E. FIELD
DIRECTOR, DOCKET MANAGEMENT
POLICY DEVELOPMENT DIVISION